

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

FREEDOM FROM RELIGION FOUNDATION,	§	
INC.,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	No. 1-16:CV-00233-SS
	§	
GOVERNOR GREG ABBOTT AND JOHN	§	
SNEED, EXECUTIVE DIRECTOR OF TEXAS	§	
STATE PRESERVATION BOARD,	§	
<i>Defendants.</i>	§	

**DEFENDANTS' UNOPPOSED MOTION TO EXTEND TIME
TO RESPOND TO PLAINTIFF'S ORIGINAL COMPLAINT**

Defendants, Governor Greg Abbott and Executive Director of the Texas State Preservation Board John Sneed, in their individual and official capacities, respectfully move the Court for an extension of time to respond to Plaintiff Freedom From Religion Foundation's ("FFRF's") complaint in the above-captioned action.

1. This action alleges violations of the Free Speech and Establishment Clauses of the First Amendment to the United States Constitution, as well as FFRF's rights to Due Process and Equal Protection. ECF 1 at 14-15 (¶¶a-e).

2. FFRF filed its Original Complaint on February 25, 2016. ECF 1.

3. FFRF's return of service on Defendant Governor Abbott is dated February 26, 2016. ECF 3.

4. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(i), the current deadline for Defendants to answer or otherwise respond is March 18, 2016.

5. Under Federal Rule of Civil Procedure 6(b)(1)(A), "the court may, for good cause, extend the time [to answer] with or without motion or notice if the court acts, or if

a request is made, before the original time or its extension expires[.]” Defendants respectfully request that the Court extend that deadline by fourteen (14) days to April 1, 2016 in this case.

6. Defendants request this extension in order to be able to fully brief the significant number of deficiencies in FFRF’s complaint, which defendants contend should be dismissed.

7. This extension is not requested for purposes of delay, but so that justice may be done.

8. Plaintiff does not oppose the relief sought herein.

PRAYER

For the forgoing reasons, and for good cause shown herein, Defendants request that the Court extend the Defendants’ deadline to answer or otherwise respond to the FFRF’s Original Complaint by fourteen (14) days, up to and including April 1, 2016.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

CHARLES E. ROY
First Assistant Attorney General

JAMES E. DAVIS
Deputy Attorney General for Civil
Litigation

ANGELA V. COLMENERO
Chief, General Litigation Division

/s/Anne Marie Mackin
Anne Marie Mackin
Texas Bar No. 24078898
Assistant Attorney General
Austin R. Nimocks

Texas Bar No. 24002695
Associate Deputy for Special Litigation
Brantley Starr
Texas Bar No. 24046904
Deputy Attorney General for Legal Counsel
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548, Capitol Station
Austin, Texas 78711
(512) 475-4080
(512) 320-0667 FAX

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby that on this the 8th day of March, 2016, a true and correct copy of the foregoing was filed electronically with the Court and delivered via the CM/ECF system to:

Daniel H. Byrne
Lessie G. Fitzpatrick
FRITZ, BYRNE, HEAD & FITZPATRICK
221 West 6th Street, Suite 960
Austin, Texas 78701

Sam Grover
Patrick Elliott
FREEDOM FROM RELIGION FOUNDATION, INC
P. O. Box 750
Madison, Wisconsin 53701

Richard L. Bolton
BOARDMAN AND CLARK, LLP
1 S. Pinckney St, Suite 410
Madison, Wisconsin 53703

ATTORNEYS FOR PLAINTIFF

/s/Anne Marie Mackin
Assistant Attorney General

CERTIFICATE OF CONFERENCE

On March 4-6, 2016, undersigned counsel conferred by email with Daniel H. Byrne, counsel for Plaintiff. Mr. Byrne indicated that counsel for Plaintiff would not oppose the extension requested by this motion.

/s/Anne Marie Mackin
Assistant Attorney General